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In re Application of  
Fourney, et al.  
Application No. 10/729,167  
Filed: December 4, 2003  
Attorney Docket No.FP0602.2 US

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ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed March 8, 2007.


The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on July 15, 2006, after it was believed that no response was received to the election/restriction requirement mailed June 14, 2006. The notice allowed a non-extendable period for reply of one (1) month from its mailing date. A Notice of Abandonment was mailed on January 3, 2007, indicating that a reply to the notice was not received.

The instant petition maintains that a response to the notice was mailed on December 8, 2006. A copy of the response containing a certificate of mailing dated December 8, 2006, accompanied the petition. A review of the application file revealed said response noted as having been received on December 18, 2006.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was mailed, pursuant to 37 CFR 1.8, prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded to the Technology Center 1600, GAU 1654 further processing, including entry of the response filed December 18, 2006.

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions